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Air Pollution Regulations in State Implementation Plans: Maine

Abcor Inc, Wilmington, MA Walden Div

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Air Pollution Regulations in State Implementation Plans: Maine

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16. ABSTRACT
This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

Maine

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-069

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

MAINE

Submittal Date	Approval Date	Description
7/28/72	10/28/72	Revision to Reg. 10.8.4g Compliance Schedules
9/11/73	9/20/74	Revised Open Burning Reg. 100.2

FEDERAL REGULATIONS

Section Number	Description
52.1026	Regulation for Review of New or Modified Indirect Sources
52.1029	Regulation for Prevention of Significant Deterioration

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

REVISED STANDARD SUBJECT INDEX

1.0 DEFINITIONS

2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES

3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS AND APPLICATIONS

4.0 AIR QUALITY STANDARDS (PRIMARY AND SECONDARY)

- 4.1 PARTICULATES
- 4.2 SULFUR DIOXIDE
- 4.3 NITRIC OXIDES
- 4.4 HYDROCARBONS
- 4.5 CARBON MONOXIDE
- 4.6 OXIDANTS
- 4.7 OTHERS

5.0 VARIANCES

6.0 COMPLIANCE SCHEDULES

7.0 EQUIPMENT MALFUNCTION AND MAINTENANCE

8.0 EMERGENCY EPISODES

9.0 AIR QUALITY SURVEILLANCE AND SOURCE TESTING

10.0 NEW SOURCE PERFORMANCE STANDARDS

11.0 NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS

12.0 MOTOR VEHICLE EMISSIONS AND CONTROLS

13.0 RECORD KEEPING AND REPORTING

14.0 PUBLIC AVAILABILITY OF DATA

15.0 LEGAL AUTHORITY AND ENFORCEMENT

16.0 HEARINGS, COMPLAINTS, AND INVESTIGATIONS

17.0 PREVENTION OF SIGNIFICANT DETERIORATION

18.0 AIR QUALITY MAINTENANCE AREA

19.0 - 49.0
RESERVED FOR FUTURE EXPANSION OF COMMON INDEX

50.0 POLLUTANT - SPECIFIC REGULATIONS

- 50.1 PARTICULATES
  - 50.1.1 PROCESS WEIGHT
  - 50.1.2 VISIBLE EMISSIONS
  - 50.1.3 GENERAL

50.2 SULFUR COMPOUNDS

50.3 NITRIC OXIDES

50.4 HYDROCARBONS

50.5 CARBON MONOXIDE

50.6 ODOROUS POLLUTANTS

50.7 OTHERS (Pb, Hg, etc.)

51.0 SOURCE CATEGORY SPECIFIC REGULATIONS

51.1 AGRICULTURAL PROCESSES (includes Grain Handling, Orchard Heaters, Rice and Soybean Facilities, Related Topics)

51.2 COAL OPERATIONS (includes Cleaning, Preparation, Coal Refuse Disposal Areas, Coke Ovens, Charcoal Kilns, Related Topics)

51.3 CONSTRUCTION (includes Cement Plants, Materials Handling, Topics Related to Construction Industry)

51.4 FERROUS FOUNDRIES (includes Blast Furnaces, Related Topics)

51.5 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - Particulates (includes Fuel Content and Other Related Topics)

51.6 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - SO_2 (includes Fuel Content and Other Related Topics)

51.7 FUEL BURNING EQUIPMENT (oil, natural gas, coal) - NO_2 (includes Fuel Content and Other Related Topics)

51.8 HOT MIX ASPHALT PLANTS

51.9 INCINERATION

51.10 NITRIC ACID PLANTS

51.11 NON-FERROUS SMELTERS (Zn, Cu, etc.) - Sulfur Dioxide

51.12 NUCLEAR ENERGY FACILITIES (includes Related Topic)

51.13 OPEN BURNING (includes Forest Management, Forest Fire, Fire Fighting Practice, Agricultural Burning and Related Topics)

51.14 PAPER PULP; WOOD PULP AND KRAFT MILLS (includes Related Topics)

51.15 PETROLEUM REFINERIES

51.16 PETROLEUM STORAGE (includes Loading, Unloading, Handling and Related Topics)

51.17 SECONDARY METAL OPERATIONS (includes Aluminum, Steel and Related Topics)

51.18 SULFURIC ACID PLANTS

51.19 SULFURIC RECOVERY OPERATIONS

51.20 WOOD WASTE BURNERS

51.21 MISCELLANEOUS TOPICS

TABLE OF CONTENTS

STATE REGULATIONS

Revised Standard Subject Index	Regulation Number	Title	Page
(1.0)	10.0	Definitions	1
(50.1.2)	-	Visible Emission Regulation	4
(51.13)	-	Open Burning Regulation	5
(51.5)	100.3	Fuel-Burning Equipment Particulate Emission Standard	7
(51.9)	100.4	Incinerator Particulate Emission Standard	7
(50.1.3)	100.5	General Process Source Particulate Emission Standard	9
(50.2)	100.6	Low Sulfur Fuel Regulation	11
(51.6)	100.7	Sulfur Dioxide Emission Standard for Sulfite Pulp Mills	12
(3.0)	100.8	Emission License Regulation	12
(6.0)	-	Compliance Schedule	14
(8.0)	100.9	Emergency Episode Regulation	16
(7.0)	100.9.4	Notification of Malfunction or Breakdown	23

FEDERALLY PROMULGATED REGULATIONS

Revised Standard Subject Index	Section Number	Title	Page
(10.0)	52.1026	Review of New or Modified Indirect Sources	26
(17.0)	52.1029	Prevention of Significant Deterioration	36

CHAPTER 10

RULES AND REGULATIONS

Consistent with a coordinated state-wide program to control present and future sources of emissions to the end that air polluting activities of every type shall be regulated in a manner that reasonably insures the continued health, safety and general welfare of all the citizens of the state; protects property values and protects plant and animal life; and pursuant to 38 M.R.S.A., Section 585, the Department of Environmental Protection adopts the following emission standards and regulations designed for the achievement and maintenance of ambient air quality standards and the prevention of air pollution:

(1.0) 10.0 DEFINITIONS

Air contaminants include, but are not limited to, dust, fumes, gas, mist, particulate matter, smoke, vapor or any combination thereof.

Air pollution control apparatus means and includes any appliance, equipment, machinery, installation or structures which remove, control, reduce, eliminate, dispose of or render less noxious the emission of air contaminants into the ambient air.

Ambient air means all air outside of buildings, stacks or exterior ducts.

Best practical treatment means that method which controls or reduces emissions of air contaminants to the lowest possible level considering:

1. The then existing state of technology:

2. The effectiveness of available alternatives for reducing emissions from the source being considered:

3. The economic feasibility for the type of establishment involved.

Board means the Board of Environmental Protection.

Commissioner means the Commissioner of the Department of Environmental Protection.

Emission means a release of air contaminants into ambient air.

Emission source means any and all sources of emissions of air contaminants, whether privately or publicly owned or operated.

Fuel-burning equipment means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

Fugitive dust means solid air-borne particulate matter emitted from any source other than a flue or stack.

General Process source means any emission source except fuel-burning equipment, incinerators, mobile sources, open burning sources and sources of fugitive dust.

Incinerators means any device, apparatus, equipment or structure used for destroying, reducing or salvaging by fire any material or substance.

CLASSIFICATION OF WASTES

Type 0--Trash, a mixture of highly combustible waste such as paper, cardboard cartons, woodboxes and combustible floor sweepings, from commercial and industrial activities. The mixtures contain up to 10% by weight of plastic bags, coated paper, laminated paper, treated corrugated cardboard, oily rags and plastic or rubber scraps. This type of waste contains about 10% moisture and 5% incombustible solids and has a heating value of approximately 8500 B.T.U. per pound as fired.

Type 1--Rubbish, a mixture of combustible waste such as paper, cardboard cartons, wood scrap, foliage and combustible floor sweepings, from domestic, commercial and industrial activities. The mixture contains up to 20% by weight of restaurant or cafeteria waste, but contains little or no treated papers, plastic or rubber wastes. This type of waste contains about 25% moisture and 10% incombustible solids and has a heating value of approximately 6500 B.T.U. per pound as fired.

Type 2--Refuse, consisting of an approximately even mixture of rubbish and garbage by weight. This type of waste is common to apartment and residential occupancy, consisting of up to 50% moisture, 7% incombustible solids, and a heating value of approximately 4300 B.T.U. per pound as fired.

Type 3--Garbage, consisting of animal and vegetable wastes from restaurants, cafeterias, hotels, hospitals, markets and like installations. This type of waste contains up to 70% moisture, and up to 5% incombustible solids and has a heating value of approximately 2500 B.T.U. per pound as fired.

Type 4--Human and animal remains, consisting of carcasses, organs and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds, and similar sources, consisting of up to 85% moisture, 5% incombustible solids and having a heating value of approximately 1000 B.T.U. per pound as fired.

Type 5--By-product waste, gaseous, liquid or semi-liquid, such as tar, paints, solvents, sludge, fumes, etc., from industrial operations. B.T.U. values must be determined by the individual materials to be destroyed.

Type 6--Solid by-product waste, such as rubber, plastics, wood waste, etc., from industrial operations. B.T.U. values must be determined by the individual materials to be destroyed.

CLASSIFICATION OF INCINERATORS

Class I--Portable, packaged, completely assembled, direct fed incinerators 5 to 15 cubic feet primary chamber volume; or a burning rate of 25 to 100 pounds per hour of type 1 or type 2 waste; or a burning rate of 25 to 75 pounds per hour of type 3 waste.

Class IA--Portable, packaged or job assembled, direct feed incinerators with 5 to 14 cubic feet primary chamber volume; or a burning rate ot 25 to 100 pounds per hour of type 1 or type 2 waste; or a burning rate of 25 to 75 pounds per hour of type 3 waste.

Class II--Flue-fed, single chamber incinerators with more than 2 square feet burning area, for type 2 waste. This type of incinerator is served by one vertical flue functioning both as a shute for charging waste and to carry the products of combustion to atmosphere. This type of incinerator has been installed in apartment houses or multiple dwellings.

Class IIA--Shute-fed multiple chamber incinerators, for apartment buildings with more than 2 square feet burning area, suitable for type 1 or type 2 waste. (Not recommended for industrial installation) This type of incinerator is served by a vertical shute for charging wastes from two or more floors above the incinerator and a separate flue for carrying the products of combustion to the atmosphere.

Class III--Direct fed incinerators with a burning rate of 100 pounds per hour and over, suitable for type 3 waste.

Class IV--Direct fed incinerators with a burning rate of 75 pounds per hour or over, suitable for type 3 waste.

Class V--Municipal incinerators suitable for type 0, type 1, type 2 or type 3 wastes, or a combination of all four wastes, and are rated in tons per 24 hours.

Class VI--Crematory and pathological incinerators, suitable for type 4 waste.

Class VII--Incinerators designed for specific by-product wastes, type 5 or type 6.

Modification means any physical change to or change in the method of operation of, an affected facility which increases the amount of any air pollutant (to which a standard applied) emitted by such facility or which results in the emission of any air pollutant (to which a standard applies) not previously emitted, except that:

1) Routine maintenance, repair, and replacement shall not be considered physical changes and

2) The following shall not be considered a change in the method of operation:

(a) An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility:

(b) An increase in hours of operation:

(c) Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to such facility, the affected facility is designed to accommodate such alternative use.

Opacity means the degree of light obscuring capability of non-black emissions of visible air contaminants expressed as a percentage. (For example complete opacity shall be expressed as 100 percent)

Open burning means the burning of any type of combustible material in the open ambient air without being completely enclosed, and where the products of combustion are emitted directly into the ambient air without passing through a stack, chimney or duct.

Person means any individual, partnership, corporation, whether private, public or quasimunicipal, municipality, state governmental or other legal entity.

Process weight rate means the average total weight of all materials, not including any gaseous or liquid fuels or combustion air, introduced into any manufacturing, industrial or combustion process that may result in the emission of particulate matter to the ambient air, computed on an hourly basis, and shall be expressed in terms of weight per unit of time.

Region means those air quality regions established by the Department of Environmental Protection pursuant to 38 M.R.S.A., Section 583.

Ringelmann Chart shall mean the chart published and described in the U.S. Bureau of Mines Information Circular 8333, on which are illustrated graduated shades of gray for use in estimating the light obscuring density or device for the measurement of the light obscuring density of black air contaminant emissions which may be approved by the Department of Environmental Protection.

(50.1.2) VISIBLE EMISSION REGULATION

100.1
100.1.1 Scope

This regulation shall be effective in all ambient air quality regions in the State of Maine as follows:

(a) Immediately for all new sources, the construction or installation of which begins after the Department of Environmental Protection adopts this emission standard unless that equipment is required to meet a stricter standard of performance;

(b) October 1, 1973 for all existing sources.

100.1.2 Prohibition

No person shall emit or cause to be emitted any visible air contaminants from any emission source that exceed a number 2 on the Ringelmann Chart or an opacity of 40 percent except for periods of not exceeding 5 minutes in any hour or 15 minutes in any 3 hours.

100.1.3 Exemptions

The emission of water vapor shall be exempt from this regulation. The emission of visible air contaminants for the purposes of training, research, recreation and permitted open burning shall be exempt from this regulation.

Existing general process sources that have been given a longer time to comply with a particulate emission standard shall be exempt from this regulation until such time as that particulate emission standard must be complied with. Incinerators are exempt from this regulation as visible emissions from this source category is included in regulation 100.4.

(51.13) OPEN BURNING REGULATION

100.2.1 Scope

This regulation shall be effective in all ambient air quality control regions as of the date indicated in each section.

100.2.2 Prohibitions

Open burning of tires or rubber products or by-products shall be prohibited after July 1, 1972.

Open burning of waste of any kind shall be prohibited after July 1, 1975.

100.2.3 Exemptions

Open burning may be permitted for the following purposes provided a permit is obtained in accordance with paragraph 100.2.4:

(a) Open burning for the control or prevention of any disease, virus or similar hazard to public health;

(b) Open burning for agricultural purposes such as land clearing, blueberry control, or burning for similar prescribed cultural purposes.

(c) Open burning for the disposal of any material generated by the demolition of any building or the clearing of any land for the erection, modification or construction of any highway, railroad, power or communication line or pipeline, or commercial or industrial or recreational building or development.

(d) Open burning for training, research and recreational purposes provided that fires for recreational purposes on a person's own property do not require a permit.

100.2.4 Open Burning Permits

Open burning permits may be granted by the Forest Ranger or Town Forest Fire Warden having jurisdiction over the location where the fire is to be set. Should complicated circumstances warrant, the Ranger or Warden may refer the person requesting a permit to the Commissioner for approval of paragraphs, (a) (b) and (c). Such permits will be issued if it is determined:

(a) There is no local, private or municipal waste collection for such materials nor any reasonably located municipal or private solid waste disposal facility to which such material may be transported or the quantity of material is such that it cannot reasonably be transported;

(b) There is no other reasonable method for disposal of such materials that will not create or aggravate a hazard to public health or safety or public or private property not violate any provision of State or Local Law or Regulation;

(c) The existing wind speed and atmospheric stagnating conditions will not create any nuisance conditions;

(d) Such burning will not take place within 25 feet of a public way;

(e) Such burning will take place under such conditions as will prevent the uncontrolled spread of the fire;

(f) The burning will comply with all applicable regulations of the State of Maine Forestry Department and any applicable local fire regulations.

100.2.5 Reports

The progress reports listed in this subsection shall be submitted to the board on or before the date indicated by any person using open burning as a method of waste disposal:

(a) November 1, 1973: Status report on forms supplied by the department;

(b) April 15, 1974: A status report on forms supplied by the department indicating that the necessary studies and investigations and preparation of final plans is progressing to insure compliance with paragraph C.

Such a report should include, but is not limited to, location and method of waste disposal for which final plans are being prepared and name of inhouse or contracted person responsible for the preparation of such plans;

(c) October 1, 1974: Final plans for proposed waste disposal facilities including detailed engineering plans and necessary site acquisition, said final plans to be subject to board review and approval under applicable laws and regulations;

(d) April 15, 1975: Copies of executed contracts or agreements necessary to implement the approved final plans including acquisition of land and acquisition, installation and construction of structures and equipment.

(51.5) 100.3 FUEL-BURNING EQUIPMENT PARTICULATE EMISSION STANDARD

100.3.1 Scope

This regulation shall be applicable to all fuel-burning equipment that is fired at a rate of 3 million up to but not including 10 million BTU/hr regardless of fuel type, and shall be effective in all ambient air quality control regions in the State of Maine as follows:

(a) immediately for all new fuel-burning equipment, the construction or operation of which begins after the effective date of this emission standard unless such equipment is otherwise required to meet a stricter standard of performance;

(b) June 1, 1975 for all existing sources.

100.3.2 Emission Standard

Any person operating fuel-burning equipment within the scope of this regulation shall limit the particulate emissions from such fuel-burning equipment in accordance with Figure 10.3A for a two hour sampling period.

100.3.3 Equipment Malfunction or Breakdown

Any person owning or operating fuel-burning equipment within the scope of this emission standard that malfunctions or suffers a breakdown causes this emission standard to be violated shall notify the Department of Environmental Protection within 48 hours in writing.

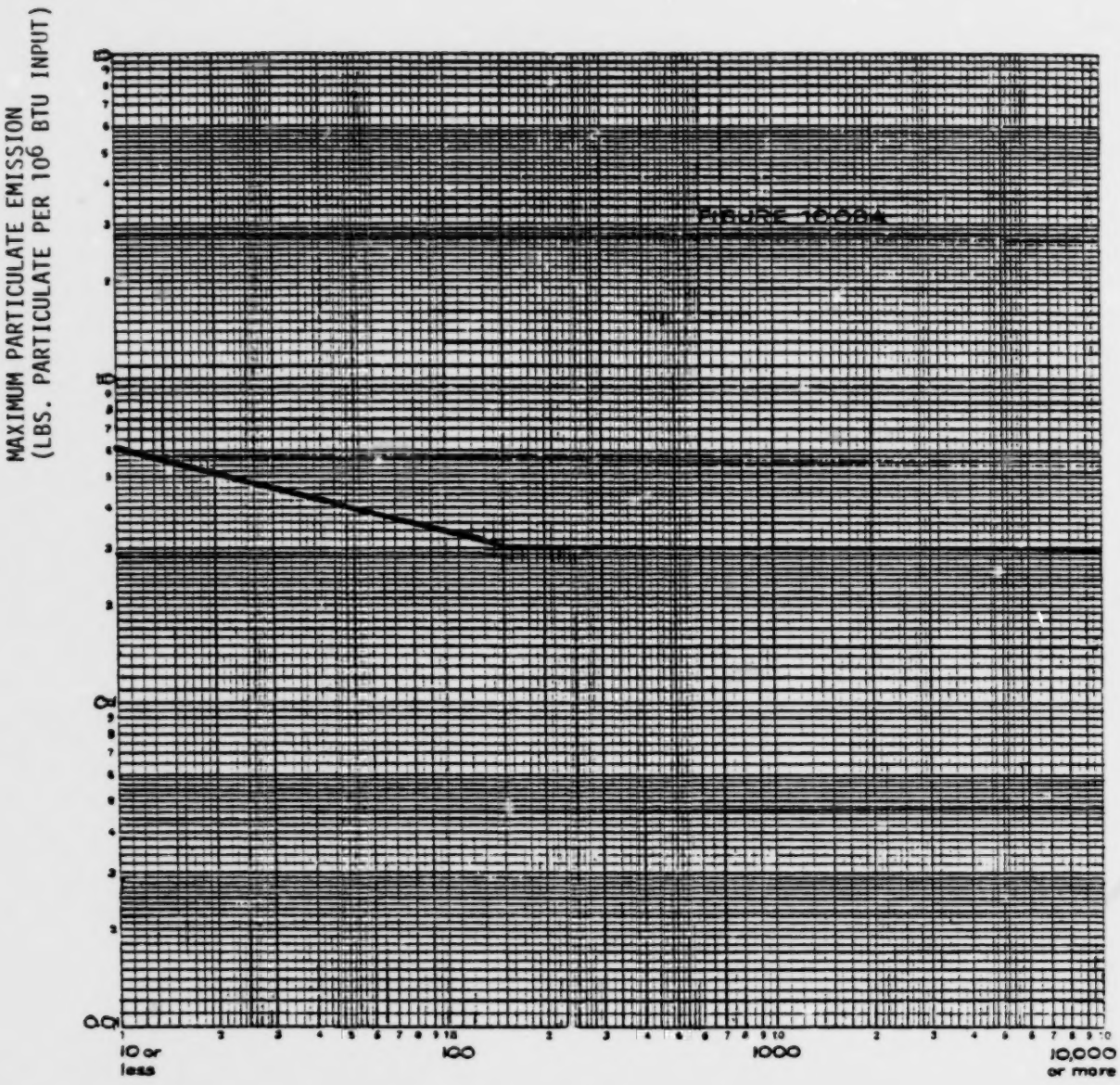
100.3.4 Test Methods and Procedures

Test methods 1 and 5 as promulgated by the Administrator, Environmental Protection Agency Rules and Regulation 60.85, "Federal Register", Volume 36, Number 247, Thursday, December 23, 1971, or such methods as are deemed equivalent by the Department of Environmental Protection shall be those used to determine compliance with regulation.

(51.9) 100.4 INCINERATOR PARTICULATE EMISSION STANDARD

100.4.1 Scope

This regulation shall be applicable to all incinerators and shall be effective in all regions in the State of Maine as follows:


MAXIMUM PARTICULATE EMISSION
(LBS. PARTICULATE PER 10⁶ BTU INPUT)
FIGURE 10.09A
10 or less
100
1000
10,000 or more
EQUIPMENT CAPACITY RATING
(10⁶ BTU/HR INPUT)

(a) immediately for all new incinerators, the construction or operation of which begins after the effective date of this emission standard unless such incinerators are required to meet a stricter standard of performance;

(b) June 1, 1975 for all existing incinerators.

100.4.2 Emission Standard

No person shall emit or cause to be emitted any particulate air contaminants from:

(a) any incinerator darker than a number 1 on the Ringelmann Chart, excluding the emission of water vapor;

(b) any Class III, IV, V, VI and VII incinerator having a designed charging rate of 50 tons per day or less, that exceed 0.2 grains per standard cubic foot of dry flue gas for a two hour sampling period corrected to 12 percent carbon dioxide without the contribution of carbon dioxide from the auxiliary fuel.

(c) any class incinerator having a designed charging rate greater than 50 tons per day, that exceed 0.08 grains per standard cubic foot of dry flue gas for a 2 hour sampling period, corrected to 12 percent carbon dioxide without the contribution of carbon dioxide from the auxiliary fuel.

100.4.3 Incinerator Malfunction or Breakdown

Any person owning or operating incinerators under the scope of this emission standard, except class I, IA, II, and IIA incinerators that malfunction or suffer a breakdown in any component part which malfunction or breakdown causes this emission standard to be violated shall notify the Department of Environmental Protection within 48 hours in writing.

100.4.4 Test Methods and Procedures

Test methods 1, 3 and 5 as promulgated by the Administrator, Environmental Protection Agency Rules and Regulations 60.85, "Federal Register", Volume 36, Number 247, Thursday, December 23, 1971 or such other methods as are deemed equivalent by the Department of Environmental Protection shall be those used to determine compliance with this regulation.

(50.1.3) 100.5 GENERAL PROCESS SOURCE PARTICULATE EMISSION STANDARD

100.5.1 Scope

A general process source shall be any emission source except fuel-burning equipment, incinerators, mobile sources, open burning sources, and sources of fugitive dust. This emission standard shall be effective in all regions in the State of Maine as follows:

(a) immediately for all new process sources the construction of which begins after the Board adopts this emission standard unless such sources are required to meet a stricter standard of performance;

(b) June 1, 1975 for all existing sources.

100.5.2 Emission Standard

Any person operating any general process source within the scope of this regulation, except kraft pulping processes, shall limit the emission of particulate air contaminants from such emission source in accordance with Section 100.5.4, for a 2 hour sampling period.

Any person operating any kraft pulping process shall limit the emission of particulate air contaminants from such emission source as follows: 4 pounds of particulate emissions per air dried ton of kraft pulp from the recovery boiler, 1 pound of particulate air contaminants per air dried ton of kraft pulp from the lime kiln, 0.5 pound of particulate air contaminants per air dried ton of kraft pulp from the smelt tank for a 2 hour sampling period.

All similar units, processes operated by the same person at the same general location shall be combined in computing the process weight rate for use in Table 100.5A.

100.5.4 Table 100.5A

Process Weight rate (lbs./hr.)	Emission rate (lbs./hr.)
50	0.36
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	14.99
60,000	29.60
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

Interpolation of Table I for process weight rates up to 60,000 lbs./hr. shall be computed by use of the following equation:

$$E = 3.59P^{0.62} \qquad P \leq 30 \text{ tons/hr.}$$

and interpolation and extrapolation of Table I for rates in excess of 60,000 lbs./hr. shall be computed by use of the equation:

$$E = 17.31P^{0.16} \qquad P \leq 30 \text{ tons/hr.}$$

Where E=Emissions in pounds per hour and P=process weight rate in tons per hour.

100.5.0 Malfunction or breakdown

Any person owning or operating a source under the scope of this emission standard that malfunctions or suffers a breakdown in any component part that causes this emission standard to be violated shall notify the Department within 48 hours in writing.

100.5.6 Test Methods and Procedures

Test methods 1 and 5 as promulgated by the Administrator, Environmental Protection Agency Rules and Regulations 60.85, "Federal Register", volume 36, number 247, Thursday, December 23, 1971 or such other methods as are deemed equivalent by the Department of Environmental Protection shall be used to determine compliance with this regulation.

(50.2) 100.6 LOW SULFUR FUEL REGULATION

100.6.1 Scope

This regulation shall apply to those air quality control regions in the State of Maine as indicated in Section 100.6.2.

100.6.2 Prohibitions

In Metropolitan Portland Air Quality Control Region it shall be prohibited to sell, distribute, buy or use any fuel with a sulfur content greater than 1.50 percent during the following periods:

(a) November 1, 1973 to April 30, 1974 inclusive:

(b) Any time after November 1, 1974.

In the Central Maine, Downeast, Aroostook County and Northwest Maine Air Quality Control regions it shall be prohibited to sell, distribute, buy or use any fuel with a sulfur content greater than 2.5 percent any time after November 1, 1973.

100.6.3 Records

Any person importing or shipping residual oil or coal into the Metropolitan Portland Air Quality Control Region shall maintain a record of the sulfur content of such fuel for a period of 3 years.

100.6.4 Exemptions

A source that installs sulfur collecting devices that reduce sulfur dioxide emissions to the equivalent of burning 1.50 percent sulfur fuel shall be exempt from this regulation.

(51.6) 100.7 SULFUR DIOXIDE EMISSION STANDARD FOR SULFITE PULP MILLS

100.7.1 Scope

This emission standard shall apply to all emissions from sulfite type pulp mills except that sulfur dioxide produced from the burning of coal or petroleum fuels are not to be included in this emission standard. This emission standard shall become effective in all regions as follows:

(a) immediately for any new sulfite type pulp mill, the construction or operation of which begins after the effective date of this emission standard;

(b) June 1, 1975 for all existing sources.

100.7.2 Emission Standard

No person shall emit or cause to be emitted any sulfur dioxide emissions from any emission source within the scope of this emission standard in excess of 40 pounds per air dried ton of sulfite pulp produced.

100.7.3 Malfunction or Breakdown

Any person owning or operating pulp mills under the scope of this emission standard that malfunction or suffer a breakdown in any component part, which malfunction or breakdown causes this emission standard to be violated shall notify the Department within 48 hours in writing.

100.7.4 Test Methods and Procedures

Test methods 1 and 6 as promulgated by the Administrator, Environmental Protection Agency Rules and Regulations 60.85, "Federal Register", volume 36, number 247, Thursday, December 23, 1971, or such other methods as are deemed equivalent by the Department of Environmental Protection shall be used to determine compliance with this regulation.

(3.0) 100.8 EMISSION LICENSE REGULATION

100.8.1 Scope

This regulation shall be effective in all ambient air quality control regions in the State of Maine.

100.8.2 Emission License

Any license operating an existing emission source which is not exempted under paragraph 100.8.6 shall file an application for an Emission License in accordance with the schedule given in paragraph 100.8.7.

Any person planning to operate a new emission source not exempted under paragraph 100.8.6 or modify either an exempt existing source or licensed source such that following construction or modification the source would require an emission license under this regulation, shall submit an application for an Emission License at least 60 days prior to starting construction.

100.8.3 Criteria for Granting the License

Issuance of licenses shall be governed by 38 M.R.S.A., Section 590. Within 30 days of receipt of a properly completed Application for Emission License, the Board must either grant the license, deny the license or order a hearing on the license. The burden shall be upon the person requesting the emission license to affirmatively demonstrate to the Department of Environmental Protection that each of the following criteria have been met.

(a) the emission is receiving the best practical treatment;

(b) the emission will not violate applicable emission standards or can be controlled so as to not violate the applicable emission standards;

(c) the emission either alone or in conjunction with existing emissions will not violate applicable ambient air quality standards;

(d) the equipment to be used is both reliable in conforming to design specifications and expected operating characteristics, and dependable in performance.

100.8.4 Conditions on the License

The Department of Environmental Protection may impose any appropriate and reasonable conditions to insure compliance with emission and ambient air quality standards, regulations and orders. However, every license shall be subject to the following standard conditions:

(a) Employees and representatives of the Department of Environmental Protection shall be allowed access to the premises of the licensee to perform such tests and inspections and examine all records relating to emissions during normal business or operating hours and at such other times as the Commissioner of the Department of Environmental Protection deems necessary;

(b) The licensee shall make provision for sampling ports or facilities adequate for test methods applicable to the source, and for utilities and safe access to these ports or facilities;

(c) A new Emission License shall be required prior to the commencement of any modification;

(d) Sources emitting in excess of 100 tons per year of any pollutant shall submit to the Department within 30 days after receipt of their license;

(e) All applicable emission standards, regulations and orders and local ordinances shall be complied with;

(f) Sources required to obtain an Emission License shall maintain sufficient records to accurately complete the application for an Emission License;

(g) A licensee not presently meeting an emission standard or regulation which will be effective June 1, 1975 shall, as a condition of its license, be required to comply with the following requirements prior to the dates set forth below.

(6.0) COMPLIANCE SCHEDULE

Latest Date for Completion	Increment of Progress
July 1, 1973	Submit to the Department preliminary plans indicating anticipated control equipment or process changes necessary to meet emission standards or regulations.
January 1, 1974	Submit to the Department detailed engineering plans and specifications and anticipated equipment delivery dates.
July 1, 1974	Submit to the Department proof of execution of all necessary contracts.
January 1, 1975	Submit to the Department a report indicating status of all necessary construction.
May 1, 1975	Submit to the Department proof of completion of construction or installation of control equipment and/or process changes and commencement of operations.
June 1, 1975	Submit to the Department data demonstrating compliance with all standards and regulations.

In addition to the standard conditions imposed on any license, the following special conditions may be imposed on a license if necessary:

(a) A source shall install and maintain adequate monitoring equipment and shall make public periodic reports in a manner specified by the Department of Environmental Protection of the data obtained from these instruments.

(b) A source shall have performed a stack test for those pollutants specified in the condition;

(c) A source shall be required to renew its license at a more frequent interval than 2 years;

(d) Any other appropriate and reasonable conditions necessary to insure compliance with emission standards and regulations.

100.8.5 Terms of the Emission License

All Emission Licenses shall be renewed bi-annually from the date they were initially granted. Obtaining an emission license does not relieve the source from complying with all applicable emission standards and ambient air quality standards.

100.8.6 Exemptions

The following sources are exempted from obtaining an Emission License as required in Section 100.8.2:

(a) fuel burning equipment whose total heat input is less than 10 million BTU per hour;

(b) Incinerators of class I and IA;

(c) Moving Sources;

(d) open burning dumps.

100.8.7 Schedule for Compliance

Submission of Applications for an Emission License shall be in accordance with the following table to permit sufficient time for the Board to consider initial applications:

If source is in this region and in this county	do not submit before this date	but submit by this date
I Oxford York Sagadahoc	March 1, 1972	March 30, 1972
I Cumberland	April 1, 1972	April 30, 1972
II Oxford Franklin Somerset Androscoggin	May 1, 1972	May 30, 1972
II Kennebec Waldo Knox Lincoln	June 1, 1972	June 30, 1972
III Piscataquis Penobscot	July 1, 1972	July 30, 1972
III Washington Hancock	August 1, 1972	August 30, 1972
IV Aroostook	September 1, 1972	September 30, 1972
V Whole region	October 1, 1972	October 30, 1972

100.8.8 Prohibition

No person shall emit or cause to be emitted any air contaminant from any emission sources without a license from the Board after January 1, 1973.

(8.0) 100.9 EMERGENCY EPISODE REGULATION

100.9.1 Scope

This regulation shall apply in any region in which the ambient air quality reaches those levels defined in Section 100.9.2.

100.9.2 Criteria

Forecast: The forecast level will be declared upon receipt of an air stagnation advisory.

Alert: The Alert level is that concentration of pollutants at which first stage control actions is to begin. An Alert will be declared when any one of the following levels is reached at any monitoring site:

SO_2--800 ug/m^3 (0.3 p.p.m.), 24-hour average.

Particulate--3.0 COHs or 375 ug/m^3, 24-hour average. SO_2 and particulate combined--product of SO_2 p.p.m., 24-hour average, and COHs equal to 0.2 or product of SO_2--ug/m^3, 24-hour average, and particulate ug/m^3, 24-hour average equal to 65 x 10^3.

CO--17 mg/m (15 p.p.m.), 8-hour average.

Oxidant (O_3)--200 ug/m^3 (0.1 p.p.m.)--1-hour average. NO_2--1130 ug/m^3 (0.6 p.p.m.), 1-hour average, 282 ug/m^3 (0.15 p.p.m.), 24-hour average.

and meteorological conditions are such the pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

Warning: The warning level indicates that air quality is continuing to degrade and that additional control actions are necessary. A warning will be declared when any one of site:

SO_2-1,600ug/m^3 (0.6 p.p.m.), 24-hour average.

Particulate-5.0 COHs or 625ug/m^3, 24-hour average.

SO_2 and particulate combined--product of SO_2 p.p.m., 24-hour average and COHs equal to 0.8 or product of SO_2 ug/m^3, 24-hour average equal to 261 x 10^3.

CO-34 mg/m^3 (30 p.p.m.), 8-hour average.

Oxidant (O_3)-800 ug/m^3 (0.4 p.p.m.), 1-hour average.

NO_2-2,269ug/m^3 (1.2 p.p.m.)-1-hour average; 565ug/m^3 (0.3 p.p.m.), 24-hour average.

and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

Emergency: The emergency level indicates that air quality is continuing to degrade toward a level of significant harm to the health of persons and that the most stringent control actions are necessary. An emergency will be declared when any one of the following levels is reached at any monitoring site:

SO_2-2100 ug/m^3 (0.8 p.p.m.), 24-hour average.

Particulate-7.0 COHs or 875 ug/m^3, 24-hour average.

SO_2 and particulate combined--product of SO_2 p.p.m. 24-hour average and COHs equal to 1.2 or product of SO_2ug/m^3, 24-hour average and particulate ug/m^3, 24-hour average equal to 393 x 10^3.

CO - 46 mg/m^3 (40 p.p.m.), 8-hour average Oxidant (O_3) - 1200 ug/m^3 (0.6 p.p.m.), 1-hour average.

NO_2-3,000ug/m^3 (1.6 p.p.m.), 1-hour average; 750 ug/m^3 (0.4 p.p.m.), 24-hour average.

and meteorological conditions are such that this condition can be expected to remain at the above levels for twelve (12) or more hours.

100.9.3 Emission Reduction During Episodes

There is no specific emission reduction required during the forecast stage, however, the Department will monitor the atmospheric concentrations of the various pollutants and the prevailing meteorology on a 24-hour basis.

The following emission reduction plan shall be instituted in any region that the alert level has been reached.

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12 noon and 4 p.m.

3. Persons operating fuel-burning equipment shall make maximum use of mid-day (12-noon - 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

4. Persons operating motor vehicles should eliminate all unnecessary operations.

Source Curtailment

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Alert Level.

Source of air pollution	Control action
1. Coal or oil-fired electric power generating facilities.	a. Substantial reduction by utilization of fuels having low ash and sulfur content.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.
2. Coal and oil-fired process steam generating facilities.	a. Substantial reduction by utilization of fuels having low ash and sulfur content.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Substantial reduction of steam load demands consistent with continuing plant operations.
3. Manufacturing industries of the following classifications: Primary Metals Industries Petroleum Refining Operation Chemical Industries Mineral Processing Indust. Paper and Allied Products Grain Industry.	a. Substantial reduction of air pollutants from manufacturing operations by curtailing, postponing or deferring production and all operations.
	b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas vapors or malodorous substances.
	c. Maximum reduction of heat load demands for processing.
	d. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

The following emission reduction plan shall be instituted in any region that the warning level has been reached.

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.

4. Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

Source Curtailment

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Warning Level.

Source of air pollution	Control action
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.
2. Oil and oil-fired process steam generating facilities.	a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Making ready for use a plan of action to be taken if an emergency develops.

3. Manufacturing industries which require considerable lead time for shut-down including the following classifications. Petroleum Refining Chemical Industries Primary Metals Industries Glass Industries Paper and Allied Products.	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary assuming reasonable economic hardships by postponing production and allied operation. b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors, or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
4. Manufacturing industries require relatively short lead times for shut-down including the following classifications. Primary Metals Industries Chemical Industries Mineral Processing Industries Grain Industry.	a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

The following emission reduction plan shall be instituted in any region that the emergency level has been reached.

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

3. All places of employment described below shall immediately cease operations causing emissions of air contaminants.

   a. Mining and quarrying of nonmetallic minerals.

   b. All construction work except that which must proceed to avoid emergent physical harm.

   c. All manufacturing establishments except those required to have in force an air pollution emergency plan.

   d. All wholesale trade establishments; i.e., places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies and food.

   e. All offices of local, county and State government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or state government, authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.

   f. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.

   g. Banks, credit agencies other than banks, securities and commodity brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.

   h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments, photographic studios; beauty shops, barber shops, shoe repair shops.

   i. Advertising offices, consumer credit reporting, adjustment collection agencies, duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services, equipment rental services, commercial testing laboratories.

   j. Automobile repair, automobile services, garages.

   k. Establishment rendering amusement and recreational services including motion picture theaters.

   l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

4. All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing, or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment.

5. The use of motor vehicles is prohibited except in emergencies with the approval of local or State police.

Source Curtailment

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Emergency Level.

Source of air pollution	Control action
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
	c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2. Coal and oil-fired process steam generating facilities.	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
	b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	c. Taking the action called for in the emergency plan.
3. Manufacturing industries of the following classifications. Primary Metals Industries Petroleum Refining Chemical Industries Mineral Processing Industries Grain Industry Paper and Allied Products.	a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury or damage to equipment.

b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors or malodorous substances.

c. Maximum reduction of heat load demands for processing.

d. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

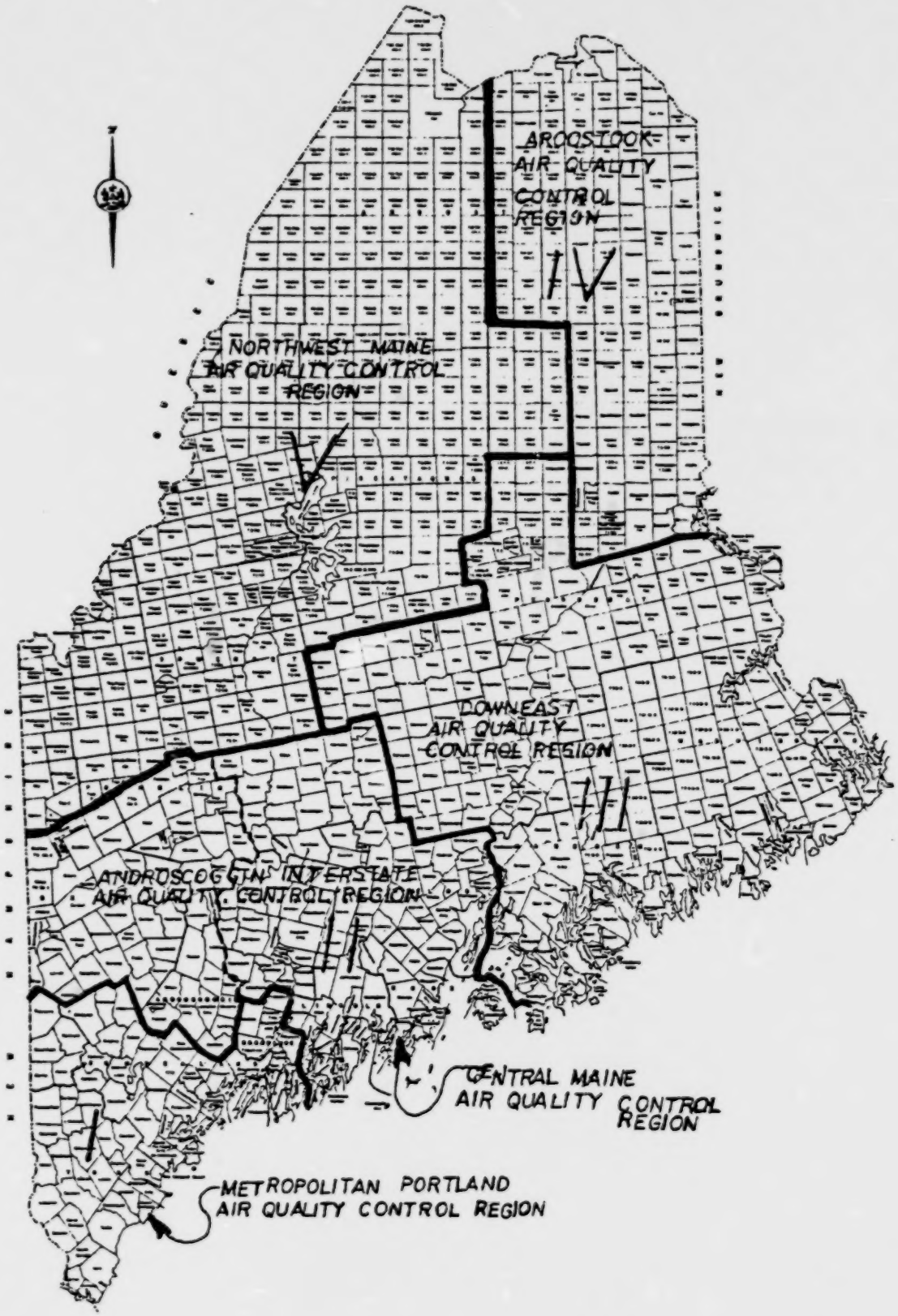
In addition as a condition to their license, each source emitting more than 100 tons per year of any pollutant shall submit an acceptable contingency plan specific for its operation.

(7.0) 100.9.4 Notification of Malfunction or Breakdown

Any person operating equipment that is permitted to operate during an emergency episode, that malfunctions or breaks down causing any emission standard, regulation or standby emergency episode to the violated, shall notify the Department of Environmental Protection within 4 hours by telephone.

100.9.5 Additional Orders

In addition to the emission reduction and source curtailments required above, the Board may, pursuant to 38 M.R.S.A., Section 593, issue such additional emergency orders as it deems necessary.


AROOSTOOK
AIR QUALITY
CONTROL
REGION
IV
NORTHWEST MAINE
AIR QUALITY CONTROL
REGION
I
DOWNEAST
AIR QUALITY
CONTROL REGION
III
ANDROSCOGGIN INTERSTATE
AIR QUALITY CONTROL REGION
II
CENTRAL MAINE
AIR QUALITY CONTROL
REGION
METROPOLITAN PORTLAND
AIR QUALITY CONTROL REGION

FEDERALLY PROMULGATED

REGULATIONS

(10.0) 52.1026 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

(a) Highways and roads.

(b) Parking facilities.

(c) Retail, commercial and industrial facilities.

(d) Recreation, amusement, sports and entertainment facilities.

(e) Airports.

(f) Office and Government buildings.

(g) Apartment and condominium buildings.

(h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines

published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.

(ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.

(6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.

(iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000

or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional

land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

(c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(17.0) 52.1029 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Pollutant	Area Designations: Class I (ug/m^3)	Area Designations: Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (111) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 2975; 40 FR 42012, Sept. 10, 1975)